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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 1798th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 27 October 1999, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 6)(continued)

Third periodic report of Cameroon (CCPR/C/102/Add.2; CCPR/C/67/Q/CMR/1)

1. At the invitation of the Chairperson, Mr. Ngoubeyou, Mr. Ekoumou, Mr. Ebang Otong, Mr. Zibi Nsoe, Ms. Kem, Ms. Mbassi, Mr. Ndoumbe Eboule, Mr. Mahouve, Mr. Mandandi and Mr. Zogo (Cameroon) took places at the Committee table.

2. The CHAIRPERSON welcomed the members of Cameroonian delegation and invited them to introduce the third periodic report of Cameroon (CCPR/C/102/Add.2).

3. Mr. NGOUBEYOU (Cameroon) said that his Government regretted that it had been unable to send a delegation to the sixty-sixth session of the Committee in July 1999 to introduce its third periodic report; it had been prevented from doing so by reasons beyond its control. However, his delegation was now entirely at the Committee's disposal and booked forward to a cooperative and transparent dialogue. The Cameroonian Government believed that the Human Rights Committee had a very important role to play in the international system for the protection and promotion of human rights, and Cameroon was determined to fulfil its obligation to submit reports on a regular basis. The third periodic report, which had been submitted in November 1996, should usefully supplement the information contained in the second periodic report, which the Committee had examined at its fiftieth session in March 1994. It contained a detailed account of the major changes which had occurred since that date, both in Cameroonian law and in its application.

4. Cameroon was now an indisputably modern state governed by the rule of law, in which fundamental rights and freedoms were guaranteed by the Constitution and the legislation in force. The new Government had set itself the task not only of liberalizing and democratizing national political life, but also of making human rights and fundamental freedoms a factor of decisive importance in the functioning and work of all national institutions. Admittedly, no country could claim to be free of human rights abuses, and Cameroon did not intend to sidestep accusations which might be levelled against it. For that reason, the many measures which one Government had taken in recent years to remedy abuses alleged to have occurred in the past should nevertheless be highlighted. A number of criminal and administrative sanctions had been taken against violators of human rights, and the competent authorities were firmly determined to continue punishing acknowledged violations of fundamental freedoms with appropriate severity. Moreover, Cameroon was a party to most international human rights instruments, which had been incorporated into the country's Constitution. The adoption of the new Constitution on 18 January 1996 had reaffirmed the Cameroonian people's commitment to the fundamental rights and freedoms embodied in the Universal Declaration of Human Rights, the African Charter of Human and People's Rights, and international human rights instruments. Furthermore, every international instrument ratified by Cameroon would henceforth automatically become part of domestic law, which was a decisive step forward from the legal point of view. The National Committee for Human Rights and Freedoms, an independent body providing liaison between the Government and civil society, had been established in December 1990 to monitor, advise on and promote wider knowledge of human rights and fundamental freedoms.

5. The new Government in Cameroon had also restored political pluralism; henceforth, the seven largest political parties which had fielded candidates in the municipal, general and presidential elections were represented in the National Assembly. The right of all citizens to participate in public life, and particularly to stand for election, was fully guaranteed by law. Freedom of expression and the right of peaceful assembly were also guaranteed. Freedom of the press was likewise safeguarded and censorship had been abolished, although the guarantees in that sphere were subject to a rigorous system of monitoring responsibilities, which had been deemed essential in a State governed by the rule of law.

6. Protection of the rights of minorities, indigenous peoples, women, the family and children had all been strengthened. Under Act No. 97/009 of 10 January 1997, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been incorporated into Cameroonian criminal law and anti-torture legislation had since been invoked on a number of occasions to punish individuals who had committed such acts. Under Act No. 98/109 of 8 June 1998, a national technical committee had been established to follow up international human rights instruments. One of the committee's functions was to draft Cameroon's reports to the monitoring bodies of the instruments to which it was a party. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, a debate was taking place in Cameroon on restricting the application of the death penalty or even abolishing it altogether. Finally, there were no longer any political prisoners in Cameroon, nor were there any Cameroonian citizens abroad who could be described as political exiles.

7. The CHAIRPERSON thanked the delegation for its introductory statement and invited it to respond to the questions contained in the list of issues (CCPR/C/67/Q/CMR/1), namely:

"Constitutional and legal framework within which the covenant is implemented (art.2)

1. Please explain the effects of the Constitutional amendments of 18 January 1996 providing for new legislative institutions, including a partially elected senate, elected regional councils and an independent judiciary. Have these institutions been established? Has the previous recommendation of the Committee contained in doc. A/49/40 para. 199 been taken into consideration in these constitutional amendments?

2. What is the status of the Covenant under the revised Constitution? Can Covenant rights be invoked directly in the Courts? If so, please relevant case law.

3. Please explain why the Government has not yet acted on the recommendations contained in the Views Mukong Vs.Cameroon (paras.11, 12) and, in particular, has not provided adequate compensate pursuant to article 9(5) of the Covenant.

4. Is the National Commission on Human Rights and Freedoms empowered to institute court proceedings in order to obtain enforceable remedies or to nullify laws and actions conflicting with the Covenant or with the rights and freedoms enunciated in the preamble of the Constitution? Is the

Commission functioning independently from the Government and how many complaints have been lodged with this Commission and how have they been disposed of? (para.6a,b).

5. Please elaborate on the allegation that human rights defenders cannot properly do their work and are being harassed.

Gender equality (arts.3, 26)

6. What measures has the State party taken to implement the Committee's previous recommendation contained in doc. A/45/40 para. 207 with respect to prevention of discrimination against women? In this connection, please provide information on how the Government has harmonized traditional laws based on local customs with the requirements of the Covenant, in particular matrimonial rights, custody rights, transfer of nationality to children and their right to education.

7. The Constitution prohibits discrimination based on sex, but does not explicitly forbid discrimination based on race, language or social status. Does the Government intend to bring these provisions of the Constitution in conformity with the explicit requirements of art. 2(1) of the Covenant?

8. Please furnish statistical information on how the principle of equal opportunity, equal access to the civil service and of equal pay for equal work is applied and enforced. (para.14)

9. With respect to the problem of violence against women, does the government consider enacting gender specific laws, including the imposition of effective penalties against persons committing domestic violence against women? What measures have been taken to eradicate the practice of female genital mutilation?

Derogations from obligations under the Covenant (art.4)

10. In what parts of the country is the state of emergency still in force? What rights protected under the Covenant have been affected by derogations and how? (para.17)

11. Please explain what measures have been taken to comply with the requirement of notification to the Secretary-General of the United Nations of any derogation of a State party's obligation under the Covenant. Have the measures referred to in paragraphs 17 and 19 of the report been duly notified?

The right to life, liberty and security of persons and the treatment of detainees. (Arts. 6, 7, 9 and 10)

12. Please comment on the alleged practice of killings of albinos and what legal measures are being taken to prevent it.

13. Please provide detailed information, including statistics, on the content and practical application of the rules and regulations governing the use of weapons by security forces. (para.21)

14. What measures have been taken to implement the Committee's Recommendation contained in doc. A/49/40 para. 203 on the investigation and punishment of perpetrators of summary executions, torture and ill-treatment.

15. The report, in this connection, refers to a circular dated 21 June 1993 by the Secretary of State for Internal Security on the prevention of ill treatment during custody and in police stations. (para.24). Please provide a copy of this circular.

16. Please provide copies of the manuals and training guidelines, prepared by the military authorities on international humanitarian law and the law of war and international humanitarian law in the context of law enforcement operations in order to instruct military personnel to respect human rights. (para.23).

17. Although the penal code proscribes torture, reliable reports state that the "balancoire" torture technique is still in use in the interrogation of certain prisoners, and torture in still widespread. Please elaborate and what measures have been taken to the follow-up on the Committee's recommendation to abolish these practices.

18. Please explain why the law provides for the right to judicial review of a detention order in Anglophone areas. Why are judicial authorities in Francophone areas prevented from acting on a case until the administrative authority turns the case over to the prosecutor?

19. Please explain why the Committee's previous recommendation contained in doc. A/49/40, para. 204 to bring its legislation into conformity with the terms of article 9(4), has not been implemented.

20. Please explain why bail and habeas corpus is granted as a basic rule by courts only in the Anglophone region of former West Cameroon, despite the fact that all the High Courts in Cameroon have jurisdiction to hear and determine applications for immediate release?

21. Please elaborate on the allegation that pending court action, a magistrate may hold a detainee indefinitely in administrative or pre-trial detention. Please provide a copy of the 1990 law permitting detention without charge for renewable periods of 15 days.

22. Please elaborate on the legal provisions relating to administrative custody mentioned in paragraphs 29 - 34 of the report.

23. Please explain what measures the government has taken to improve prison conditions, including the provision of medical care in overcrowded prisons, and in particular the separation of men, women and minors as required by article 10 of the Covenant in the light of the Committee's earlier recommendations. (paras. 26 - 28)

Right to a fair trial (art. 14)

24. What steps are being taken by the Government to monitor the application of the criteria mentioned in paragraph 36 and 37 of the report with respect

to the independence and impartiality of the judiciary? Can the interested party challenge a judgement allegedly based on "bias"?

25. Please explain why, subsequent to the establishment of a Federal Commission on Criminal Legislation in February 1964 and another Criminal Law Commission established in April 1973, both mandated to draft a uniform Criminal Procedure Code, such a code still does not exist and the Anglophone districts have to apply the Criminal Procedure Ordinance, (chapter 43 of the 1958 Revised Laws of the Federation of Nigeria), and the Francophone districts the French Code of Criminal Procedure of 1808 made applicable to Cameroon by Decree of 22 May 1924. If there are two procedural criminal codes, please explain the differences

26. What measures have been taken to guarantee the impartiality and the independence of the judiciary following the recommendation of the Committee and how have the recent constitutional amendments strengthened the judicial independence?

27. Please explain what measures the government intends to take to alleviate the negative effects on the position of the accused in criminal trials in former West Cameroon, where the accusatorial or adversarial system is applied, in comparison to the former East Cameroon regions, where the procedure is inquisitorial or non-accusatorial and an accused, who is unable to pay for legal assistance, may be represented by any person acquainted with court procedures. Please elaborate, in this connection, on the allegation that persons in detention are often denied access to legal counsel contrary to article 14 (3) (d) of the Covenant.

28. Please provide statistics and more detailed information on the cases handed down by military courts, mentioned in paragraphs 38 of the report. In this connection please explain when and how civilians are subject to military jurisdiction.

Freedom of expression, assembly and association (arts. 19, 21 and 22)

29. Please give information on the reported cases of arrest and prosecution of journalists for crimes such as defamation, contempt of court or dissemination of false news. Are any of them imprisoned for peacefully expressing their views.

30. Please explain how the provisions of the penal code criminalizing the expression of views, ideologically opposed to the established political, social or economic system, have been applied in this respect. Please give information on the case of Mr. Nana Koulagna, a leader of an opposition party charged by a military court for a number of criminal offences.

31. Please explain the requirements for registration of trade unions. How are the rights of workers of non-registered unions protected under Cameroonian law?

Right to participation in public affairs and right to non-discrimination (arts. 25, 26)

32. What measures have been taken to ensure free and fair elections as a follow-up to the committee's earlier recommendation? (A/49/40 para. 200).

33. Are Christians in rural areas of the North, which are largely populated by Muslims, subjected to discrimination?

Rights of persons belonging to minorities (art. 27)

34. What concrete measures have been taken to prevent discrimination and to protect the rights of ethnic minorities and Baka Pygmies (paras. 14 and 45 of the report)?

Dissemination of information about the Covenant (article 2)

35. Please indicate the steps taken to disseminate information on the submission of the report and its consideration by the Committee, in particular, on the committee's concluding observations. Furthermore, please provide information on education and training on the Covenant and its Optional Protocol provided to government officials, school teachers, judges, lawyers and police officials."

8. Mr. EBANG OTONG (Cameroon), replying to question 1 in the list of issues, said that the constitutional reform of 18 January 1996 was under way and that new institutions were gradually being established. The draft texts relating to the Senate and regional councils were being finalized by the National Commission for Good Governance, which supervise had been established to ... the actual implementation of the reform.

9. Mr. MAHOUVE (Cameroon) said that very rapid progress had been made in establishing an independent judiciary and the Cameroonian judicial system had been thoroughly reformed. Henceforth, justice in Cameroon would be administered in the name of the Cameroonian people and the judiciary, through the courts of first instance, the courts of appeal and the Supreme Court. The judiciary was completely independent of the executive and the legislature. In order to give full effect to the reform, the Head of State had taken a series of steps to improve the financial and material position of judicial officers, and also to ensure the financial independence of the Supreme Court, which currently had its own budget of 600 million CFA francs. The work of judicial officers had also been streamlined. In order to deal with the case backlog and make justice more accessible, an additional 150 judicial officers, 150 registrars, 200 deputy registrars and 100 secretaries were to be recruited before the end of the financial year 2000-2001. Staff training had also been speeded up and disciplinary procedures had been strengthened as a means of cleaning up the judiciary. Under the Act regulating the organization and functioning of the Supreme Council of Justice (Conseil supérieur de la magistrature), disciplinary offences included violations of oath, honour, dignity, morality and unprofessional conduct. Possible sanctions ranged from admonition to dismissal. In addition, judicial officers were liable to prosecution and criminal penalties for offences committed in the course of their duties. Such were the measures which had already been taken to strengthen the independence of the Cameroonian judiciary, but the full effects of the reform had not yet become apparent

because the process necessitated structural and substantive adjustments which required major resources.

10. Mr. EBANG OTONG (Cameroon), replying to question 2, said that the status of the Covenant in domestic law was determined by the Constitutional Amendment Act 96-06 of 18 January 1996. Generally speaking, human rights in Cameroon were afforded the highest degree of protection in domestic law since they were constitutionally guaranteed; under article 45 of the Constitution, adopted or ratified international instruments took precedence over legislation, provided that the other party also applied the provisions of each instrument. The Covenant, however, as a human rights instrument, was excluded from the reciprocity principle provided for by the Vienna Convention on the Law of Treaties. The International Court of Justice had ruled that international human rights protection standards were not covered by the aforementioned principle, and Cameroon endorsed that reasoning. The Covenant therefore took precedence over domestic law. Its provisions were enforceable, and there was nothing to prevent them from being invoked directly in the courts. In practice, however, lack of familiarity with the Covenant's provisions were a de facto obstacle to their direct applicability, and the Government was aware of the need to intensify its awareness-raising efforts in that field. The Covenant had as yet actually never been invoked, but the Supreme Court, in its role as Constitutional Council, had already based its decisions on the Universal Declaration of Human Rights on which the Covenant was modeled. In addition, the Cameroonian courts invoked the rights embodied in the Covenant as a matter of course, such as the right to life and the right to liberty and security of the person. Finally, Cameroonian legal experts had studied the development of case law in the French courts, and particularly the Court of Cassation, and there was every indication that the provisions of the Covenant would be invoked directly in the Cameroonian courts before long.

11. Mr. ZIBI NSOE (Cameroon), referring to the Committee's recommendations on the communication submitted by Mr. Mukong (No. 458/1991), said that the Government had taken due note of them and was simply waiting for Mr. Mukong to submit a claim for compensation. To date he had furnished the authorities only with an approximate estimate; when he submitted a specific figure nothing would prevent the Government from implementing the Committee's recommendations.

12. Mr. NDOUMBE EBOULE (Cameroon), replying to the question on the National Commission on Human Rights and Freedoms (CNDHL), said that CNDHL did not have jurisdictional competence. Nevertheless, as mentioned in paragraphs 6 and 7 of the report, it had been entrusted with a wide-ranging mandate, and he drew attention to its functions as outlined in paragraph 6 (a) to (c) of the report. A broad interpretation of its role in drawing the attention of the authorities to violations of human rights and freedoms to all intents and purposes enabled CNDHL to refer cases to the judiciary, but the action involved was more in the nature of whistle-blowing than enforcement. The fact that CNDHL had been created by Presidential Decree and that its members were appointed in the same way did not mean that it lacked independence. Its composition, as indicated in the table following paragraph 5 of the report, mirrored the country's sociological and political pluralism. Furthermore, CNDHL functioned with a certain amount of financial autonomy since it was funded through a mixture of State subsidies, gifts, legacies and income from its activities. With the exception of 1998 when it had received a record number of 1,340 petitions or complaints, it usually dealt with an average of 500 a year. The action taken on

such petitions or complaints was recorded in the Commission's annual report which was submitted to the Head of State but was not made public. It was therefore impossible to provide more specific information on that point.

13. Mr. EBANG OTONG (Cameroon) said that there was no basis for the allegation that human rights defenders could not properly do their work. Nor had they been harassed (question 5 of the list of issues). In addition to foreign organizations involved in human rights protection work, which could enter Cameroon and perform their work without any restrictions, the promotion and protection of human rights in the country was supervised by CNDHL and a number of national non-governmental organizations (NGOs). It was true that certain unusual acts might have been construed as harassment, but they were basically ordinary law offences.

14. Mr. MANDANDI (Cameroon), supplementing the remarks made by Mr. Ebang Otong, cited a case of which the High Commissioner for Human Rights was aware, namely, that of Mr. Abdoulaye Math, who claimed that the Cameroonian authorities had attempted to murder him. He had lodged a complaint with the Ministry of Defence, which had ordered an inquiry. The inquiry had revealed that, before and after a visit to Maroua by representatives of the Office of the High Commissioner for Human Rights at the invitation of the Cameroonian President, Mr. Math had started to follow the movements of elements of the security forces responsible for stamping out organized crime, especially highway robbery. The criminals in question were an armed band of former or serving soldiers, mainly from neighbouring countries, who had been robbing and killing civilians and members of the Cameroonian security forces in the northernmost region of the country. Between 1997 and 1999, the highway robbers had carried out 187 attacks in which 42 civilians and eight members of the security forces had been killed and approximately 100 people had been wounded. In view of Mr.Math's attitude, the forces against dealing with the bandits had started to track his movements by organizing vehicle patrols around his house. Mr. Math had interpreted their intimidation as an attempt on his life. What had apparently failed to understand was that the role of a human rights defender was not to protect criminals. Furthermore, the organization of which he was a member should have urged him to restrict his activities to working alongside the authorities to ensure that the population was being protected against any form of inhumane treatment.

15. Ms. KEM (Cameroon), commenting on gender equality and efforts to eliminate discrimination against women, said that in 1997 the President of Cameroon had made a speech in which he formally undertook to promote women's rights, achieve gender equality and curb discrimination and violence against women. In 1998 that determination had resulted in the creation of a Ministry for Women's Affairs, which comprised a department for the promotion of women's rights, a department for the social and economic advancement of women, a department for studies, planning and cooperation in the field of women's rights, and other sections dealing, inter alia, with legal and publicity issues. The Ministry had drawn up action plans on various topics, specifically the integration of a gender component in the national poverty reduction policy, the eradication of female genital mutilation and the inclusion of women in the development process. On the last point, the Ministry intended to improve the living conditions and legal status of women, enhance their contribution in all fields, increase their effective participation in decision-making, provide special protection for girls, devise strategies to combat violence against women, and put in place an

institutional framework to integrate women into the development process. Work in those various fields had been done at local level by ministerial delegations in each province, which had established structures enabling them to operate at all levels. In addition, the Ministry for had outlined its programme of action for integrating women into the development process in a three-volume work dealing with legal, social and economic aspects. It was also devising a number of social measures the framework of orientation, training, information and educational activities. Annual awareness-raising campaigns on different topics had been conducted on a regular basis. The 1996 campaign had stressed the fundamental rights of women, that of 1997 campaign had centred on the enforcement and enforceability of legislation dealing with women's rights, and that of 1998 had focused on practices and customs that constituted discrimination against women. The theme for 1999 was women and leadership as a challenge in development. A number of workshops, seminars and media events had been organized on a wide range of subjects. In addition, a "Women's Night" had been held for the first time, and 6 September 1999 had been officially designated as gender equality day. Every year, International Women's Day provided an opportunity to increase awareness of women's issues and to promote their rights. Another important element in Government policy was education and training in the field of women's rights. Buea University had a women's studies department, and both the Civil Service College and the institution for training social workers had incorporated women's rights and gender equality into their programmes. The centres for the promotion of women's rights set up by the Ministry for Women's Affairs offered young girls who were not attending school the opportunity to receive vocational training. The authorities were actively cooperating with NGOs and various associations, thereby demonstrating their determination to draw the whole of civil society into the campaign against sex discrimination and for the promotion of gender equality. In addition, a number of joint projects had been launched with the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP). Finally, in the legal sphere, various steps had been taken to promote women's rights, such as the Supreme Court ruling that a married daughter could inherit from her father, which was contrary to Cameroonian tradition. That ruling was henceforth part of Cameroonian case law.

16. Mr. ZIBI NSOE (Cameroon) said that the preamble to the Constitution stated that "the State guaranteed the child's right to education", and primary schooling was compulsory. The Government's objective was to achieve a class size of 60 pupils. New schools were being built each year in both urban and rural areas. Despite the civil service recruitment freeze resulting from the country's economic woes in the late 1980s, teachers had been recruited in massive numbers during the past three years.

17. Mr. MAHOUVE (Cameroon), referring to the harmonization of traditional rules with the provisions of the Covenant, said that very often local custom was still the general law of the population, particularly in rural areas. In civil cases, however, Cameroon had a dual jurisdiction. Defendants had a "choice of jurisdiction", in other words they could choose which system they wished to be tried under. Thus, when a defendant did not express a prior preference for traditional jurisdiction, the judge would apply the customary law of the parties. When custom was silent on a particular point, the Civil Code would be applied. On the other hand, if a defendant brought his case before a count applying contemporary law, the judge would refer to the Civil Code. Furthermore, the Supreme Court had drawn up legal rules to curb sex

discrimination in matters of matrimonial rights, the custody of children, and the transmission of nationality to children. For example, a woman could agree to or reject polygamy at the time of marriage and her explicit consent was required when marrying a polygamous man. In cases of polygamy, the matter of succession was handled in one of two ways: either there were as many property communities as there were spouses, or a single community was created between the husband and all his wives. Irrespective of the matrimonial system, however, judicial liquidation was governed by the principle of community. In theory, the wife had to prove that she had participated in the acquisition of the family property, but in practice the rule was not applied by the principal courts. Moreover, the Supreme Court had, by reference to the concepts of public order and evolving custom, revolutionized succession rights even before Cameroon had satisfied the Covenant. Two different scenarios were possible. In cases of intestacy, there was nothing to prevent a woman from being the sole heir, as confirmed by a Supreme Court ruling of June 1963. The courts had condemned the custom according to which a surviving spouse, in order to inherit from her deceased husband, had to live with his family. On the other hand, if a person made a will he could specify that his daughters should enjoy the same rights as his sons, even if they were married, and make a specific bequest or leave his entire estate to his surviving wife. The Supreme Court had also affirmed the principle that both parents enjoyed equal rights in child custody cases. Sometimes custody of the child could even be granted to the national mother. Furthermore, one court had condemned the custom whereby guardianship of a minor child devolved by right upon the deceased's nearest male relative. Non-discrimination in the transmission of nationality to children was ensured by the Nationality Code Act of 11 June 1968, under which it was sufficient to be born of Cameroonian parents, in or out of wedlock, or to have just one Cameroonian parent in order to acquire Cameroonian nationality.

18. The 1996 Constitution categorically prohibited any form of discrimination on grounds of race, language or social status. Even the preamble to the Constitution proclaimed equality of rights and national pride in linguistic, cultural and ethnic diversity, and stated quite explicitly that "Everyone has equal rights and obligations". The Constitution therefore confirmed the principle of non-discrimination. Moreover, although not referred to directly in the Constitution, discrimination on grounds of race or social status was no less strongly condemned. The rights and principles embodied in the Covenant and other international instruments ratified by Cameroon had been incorporated into constitutional law, and article 242 of the Penal Code made racial and religious discrimination a punishable offence.

19. Ms. KEM (Cameroon) said that there was no discrimination in Cameroon regarding equal access to the civil service, nor was there any bar to equality of opportunity or equal pay for equal work. Among other instruments, the Labour Code, and particularly its articles 1 and 2, proclaimed equality of opportunity for all and embodied the principle of equal pay for equal work. Women had access to almost all professions, including the law, the police, the army, politics and commerce. The problem lay rather in the proportion of posts by men and women, particularly in the civil service; it was not one of discrimination but rather of training, since women were steered towards certain areas (such as secretarial work) and not others (science or commerce). The Government was endeavouring to correct the situation and encourage women to opt for new professions.

20. Referring to question 9 in the list of issues, she said that the Government was planning to enact legislation to prevent and punish violence against women; the bill was at present being considered by the Ministry for Women's Affairs. In the meantime, existing legislation could be invoked to prevent and punish violence against women. The many measures taken in that respect included a very vigorous national campaign in the media against such violence. For its part, the Ministry for Women's Affairs had was offering psychological help, and social counselling and even financial assistance to the victims. Similarly, in the education sector, campaigns had been against female genital mutilation, and an appropriate national programme of action had been drawn up. And lastly, awareness-raising activities and programmes had been implemented with a view to combating female poverty.

21. Mr. EBANG OTONG (Cameroon), replying to questions 10 and 11, said that a state of emergency was a legal measure that could be taken in the event of breaches of the peace but no part of Cameroonian territory was at present subject to a measure of that kind. The state of emergency in the north-western province had been lifted in December 1992, and in Yaoundé in December 1991. All those measures had been duly reported to the Secretary-General of the United Nations.

22. Mr. MANDANDI, commenting on question 12 of the list of issues, said that the Cameroonian Government had only brought up the question of albinos out of a sense of honesty, but the results of inquiries into reports that albinos were being killed had been inconclusive. The Chairman of the Association for the Defence of Albinos, who happened to be a Cameroonian, had confirmed that the allegations were simply rumours.

23. The CHAIRPERSON requested the delegation to interrupt its replies to the questions in the list of issues in order to allow members of the Committee to ask questions.

24. Mr. AMOR welcomed the Cameroonian delegation and commended it on the cogency of its periodic report and its businesslike approach. Cameroon's history was rich and complex, particularly as a result of its historical and colonial heritage, and it was natural that it should encounter problems in State-building and the protection of its citizens. However, those problems had not prevented Cameroon from ratifying the Covenant and Optional Protocol. Nevertheless, the crucial issue was to ascertain whether the Government could actually and to what extent give effect to the provisions of the Covenant. Although he was aware of the ethnic and political problems confronted by Cameroon, which had at least 130 political parties, he nevertheless had certain misgivings about the implementation of the Covenant in practice and the extent to which its provisions were really being observed. The situation always became complicated when customs, and especially customary law, entered the picture. International instruments, including the Covenant, customary law and constitutional law existed side by side in Cameroon, and very often customary law was at variance with the Covenant. Notwithstanding his respect for tradition, he was of the opinion that certain provisions of the Covenant could not be implemented in Cameroon owing to certain aspects of customary law. For example, the situation of women in Cameroon called for more attention and further action, because it still fell far short of the requirements of article 3 of the Covenant. The legislative, regulatory and administrative measures referred to by the Cameroonian delegation should of course be highlighted and encouraged, but even

more positive and vigorous measures were required, and it was the responsibility of the State to protect the rights of persons living under its jurisdiction without letting itself be influenced or guided by tradition, which enjoyed a partial rather than a general ascendancy over the country. Cameroonian society had moved on and there was no justification for imposing conditions which were no longer acceptable on all Cameroonian women. A case in point was polygamy, which was inadmissible because it placed women in a subordinate position, to the extent that a woman could not inherit from her husband or a daughter from her father. All that was very serious from the standpoint of the Covenant. Lastly, it was his understanding that, the state of emergency in the Mfoundi region had not been lifted until 1996, whereas the delegation had just stated that no state of emergency had existed since the early 1990s. Clarification of the matter would be appreciated.

25. Lord COLVILLE, in thanking the delegation for its very full replies, which had provided exactly the kind of details that the Committee needed in order to perform its work, said he personally had three questions. First, regarding the legal framework within which the Covenant was implemented, it would be useful to learn whether prefects had the power to interpret the law and tailor their interpretation to circumstances with a view to enforcing the law. If so, respect for the law would be subject to a high degree of uncertainty. Secondly, on the matter of female genital mutilation, in view of the fact that the Government of the United Kingdom had provided certain countries, including Cameroon, with funds to update teaching materials and train health-care personnel in an effort to combat the practice and treat women who had developed complications, he wondered whether the delegation could give the Committee an idea of the results achieved, regardless whether the efforts made had been funded by the United Kingdom or conducted under the State party's own programme of action. Thirdly, regarding the state of emergency and question 10 in the list of issues, he wished to know which, if any, of the rights protected by the Covenant had been derogated from Article 9, paragraph 2, of the Constitution stated merely that the President could by decree proclaim a state of siege and take any measures as he may deem necessary. Nothing was said about the human rights from which no derogation was possible under article 4 of the Covenant and it was a matter of some concern that the Cameroonian Constitution failed to prohibit derogations from the rights in question. He hoped that the president's powers were subject to certain limitations on those occasions when he was obliged to declare a state of siege.

26. Ms. EVATT said that in the absence of a published report by the National Committee for Human Rights and Freedoms (question 4 in the list of issues), it was impossible to form an idea of the practical results of its work. Had legal proceedings been brought or compensation paid as a result of its intervention? Did its structure conform to the United Nations Paris Principles relating to the status of national institutions? How were its members appointed, and what was its agenda and ethnic composition? The delegation had mentioned programmes to combat the inequality status of women in a number of fields (question 6), which indicated that Cameroon needed to tackle the problem in a determined manner. She would also be grateful for additional information about the legal reforms that were needed to combat age-old practices stemming from customary law, especially the treatment of women were treated as chattels and their lack of inheritance rights. When a judicial decision had gone in a woman's favour in a particular case, the challenge was to ensure that the same decision would apply to all Cameroonian women, the overwhelming majority of whom were denied access

to the courts owing to their limited education and means. It seemed that, in Cameroon, the deceased husband's family claimed the property of the widow and the deceased husband alike and that, in practice, the administration of immovable property was normally left to the husband's family rather than to the widow. It was hard for Cameroonian women to go to law in order to change things. Moreover, it appeared that women's rights varied considerably, depending on whether the marriage was polygamous and governed by customary law, or whether it was governed by the Civil Code. She wondered whether most marriages were in fact governed by customary law and therefore polygamous. What had the State party done to combat that persistent practice and ensure complete protection for women? Was the age of marriage still 15 for girls and 18 for boys? It appeared that the small proportion of women in the civil service (question 8) was due less to discrimination and more to the fact that girls did not enjoy equal access to education. Lack of training and low literacy levels among women were also to blame. All those factors were actually symptoms of discrimination against women. The delegation had not been very forthcoming about the participation of women in political life, and she would like to know whether there were any specific programmes to promote their participation. On the issue of work, she wondered whether Cameroonian law still permitted a husband to obtain a court order prohibiting his wife from engaging in an occupation or activity different from his own. If that was indeed the case, such legislation was obviously a bar to gender equality. In its replies to question 9, the delegation had referred to programmes to curb female genital mutilation, and it would be useful to learn more about the progress that had been made. Finally, certain aspects of Cameroonian legislation still failed to protect female victims of family violence and were also encumbered by customary law. For example, was it still the case that a rapist could escape liability if he married his victim?

27. Mr. SCHEININ said that consideration of Cameroon's report had been made more difficult by the length of the list of issues, itself occasioned by the succinctness of the report, which had necessitated very detailed replies from the albeit extremely competent delegation. It was also a fact that Cameroon's human rights situation revealed certain problem which merited the undivided attention of the Committee. He endorsed Ms. Evatt's comments on women's rights, and wished to know what the Government had done to enable women to become landowners, given that they were the mainstay of the agricultural workforce. The delegation had also referred to a programme of action to curb female genital mutilation, and he would appreciate information about the role that legislation played in that request, whether there was a law characterizing such acts as an offence or whether provision had been made for such measures under the programme of action. Given the undesirability of overcrowding the country's prisons even more, he asked whether there were any alternatives to imprisonment for persons who performed sexual mutilations. In general, it would be useful to know more about the part played by the law in eradicating the practice. Referring to questions 3 and 4 on the Mukong vs. Cameroon case, he noted that, according to a letter from the human rights defence NGO to which Mr. Mukong belonged, the author stated that he had been prevented from travelling to France in response to an invitation to attend ceremonies to mark the fiftieth anniversary of the Universal Declaration of Human Rights in December 1998. He would like to be reassured that the Cameroonian Government had not been involved in that incident.

28. Mr. YALDEN endorsed Ms. Evatt's remarks concerning the National Committee for Human Rights and Freedoms which reported to the President. Since its reports were not made public, he could not help wondering about the results of the action taken by that Committee and its independence, given that its members were appointed by the President. According to the delegation, the Committee had received 1,340 complaints in 1988, but there was no way of knowing how it had followed them up, what recommendations it had made, or what the results had been. The delegation should indicate what changes had taken place in official policies and procedures as a result of the cases referred to. Moreover, the report should have provided much more detailed information enabling conclusions to be drawn about actual progress, and it was to be hoped that such information would be included in future reports. In her replies to questions 6 and 8, Ms. Kem had mentioned a variety of programmes of action in areas where gender inequality had been detected, and in that regard he endorsed the comments made by Ms. Evatt. Although statistics and percentage figures on the number of women in the civil service had indeed been provided, it was impossible to assess what progress had been made regarding the presence of women in the private sector, political life and education. It was inadequate to say that the problem was simply one of proportions and resulted not from discrimination but from other factors, such as the career paths chosen by girls. Those choices were themselves a form of indirect discrimination which was apparent throughout the world. The Committee was specifically interested in the situation of women in different sectors such as education, the practical steps taken and the results achieved. Finally, on the question of inequality, the delegation had stated that there was no discrimination in Cameroon with regard to base salaries in the civil service. The Committee had duly noted that statement, but it had originally asked whether women and men received the same remuneration for work of equal value. It was common knowledge that, all over the world, work done by women was less well paid that work done by men, and it was likely that the situation was the same in Cameroon, unless it was an exception.

29. Mr. KLEIN said that he was pleased to note from paragraph 4 of the Cameroonian report that no factors or difficulties impeding the application of the Covenant and the Optional Protocol had come to the State party's attention, and also that Cameroon had not entered any reservations to the Covenant. The report admittedly recognized certain shortcomings, but a comparison of its content with the Committee's recommendations in the wake of the second periodic report showed that little progress had been made. He endorsed other members' recommendations that the reports of the National Committee for Human Rights and Freedoms should be made public. Given that the National Committee had direct access to the competent authorities, and especially the President, he wondered whether those authorities were obliged to react to its requests, and if so, under what procedure. A number of problems in Cameroon had to do with the coexistence of customary and statute law, at least in regard to equality between the sexes. Despite the range of measures and judicial decisions taken during the previous decade, it appeared that customary law had not been displaced by statute law; on the contrary, it was legally tolerated and hence incompatible with the Covenant. Polygamy was a case in point. How could the delegation explain the coexistence of two different judicial systems as being consistent with its obligation to abide by the Covenant? In practical terms, the issue centred on a woman's choice to opt for the statute law system and thereby exclude customary law. But in the real world, it was obvious that there was strong social pressure to apply customary law. What was the State party doing to combat that tendency?

30. Mr. ANDO, referring to the constitutional provisions on international treaties, said that, according to article 43 of the Constitution, the President of Cameroon was required to submit international treaties and agreements dealing with certain areas of the law for parliamentary approval prior to ratification. Article 45 stated that international treaties and agreements took precedance legislation. It would be illuminating to learn whether there had been any specific cases in which those provisions had been applied, i.e. cases in which the Government had had to wait for parliamentary authorization to ratify a treaty, and whether there had been cases in which a domestic legal provision had been declared null and void because it was contrary to Cameroon's international obligations. The coexistence of two parallel legal systems - customary and statute law - was also a disturbing factor. Given that customary law was discriminatory in the matter of inheritance rights, could the court trying the case or interpreting customary law invalidate a rule of customary law if it conflicted with an obligation under the Covenant, especially in respect of gender equality? Had such a situation ever occurred in a case of that nature?

31. Mr. LALLAH noted that the Cameroonian Constitution subordinated domestic law to the Covenant. At the same time, however, the Covenant did not specify that particular laws had to be adopted to give effect to the rights which it protected. Taking female genital mutilation as an example, the State party should promulgate a specific law to prevent and punish the practice, because the Covenant merely outlined the principles which had to be observed and the rights which should be guaranteed subject to certain permissible limitations. It was very difficult for the Committee to form a clear idea of the implementation of the Covenant in Cameroon because the report had grouped a number of important articles of the Covenant together, thereby making it hard to identify the specific problems which had arisen. For example, it would be useful to know whether Cameroon had abolished the death penalty, what were the views of the Government and public opinion on the subject, whether any persons had been put to death - and if so, how many - and how long they had spent in prison. He therefore hoped that, in its next periodic report, Cameroon would give a detailed account of its legislation and deal with the articles of the Covenant one by one. Such an approach would enable it to home in on the rights requiring protection and the legislation that needed to be adopted. It would also encourage the courts to set greater store by statutory provisions and the Covenant, particularly in cases when there was a conflict between customary and statute law.

32. Mr. HENKIN said that, although most of his concerns had already been raised, he asked the delegation to indicate what offences were capital crimes under Cameroonian law and in what circumstances the Defamation Act could be applied, given that it could be used as a weapon against freedom of the press and in other contexts. He also requested the delegation to dispel any confusion about the relationship between the legislature and the Head of State by explaining whether the President could govern by decree in certain circumstances, and whether he had the power to amend the Constitution.

33. The CHAIRPERSON said that the Committee would continue its consideration of the third periodic report of Cameroon at the following meeting.

The meeting rose at 6 p.m.